

1           IN THE UNITED STATES DISTRICT COURT  
2           MIDDLE DISTRICT OF TENNESSEE  
3           NASHVILLE DIVISION

4           UNITED STATES OF AMERICA,                 }  
5    }  
6    } Plaintiff,  
7    }  
8    } Case No.  
9    } 3:17-cr-00124-3  
10    }  
11    } CHIEF JUDGE CRENSHAW  
12    }  
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16    }(APPEARANCES ON FOLLOWING PAGE)  
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23    } PREPARED BY:  
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## 1 APPEARANCES:

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1                   The above-styled cause came on to be heard on  
2 October 7, 2021, before the Honorable Waverly D.  
3 Crenshaw, Jr., Chief District Judge, when the following  
4 proceedings were had, to-wit:

5                   THE COURT: All right. Be seated.

6                   Good morning.

7                   So we're here on Case 17-124, United States of  
8 America versus Brandon Hardison. I excused Mr. Hardison.  
9 But I do want you to get an official transcript -- I do want  
10 the -- Mr. Evans, get an official transcript and provide that  
11 to him.

12                  So let's start with something we agree on. So  
13 pursuant to the notices from both parties, those jurors who  
14 have said they have a conflict will be excused and they will  
15 not be coming to the courtroom on October the 18th.

16                  Correct, Mr. Schrader?

17                  MR. SCHRADER: That's correct, Your Honor.

18                  THE COURT: Mr. --

19                  MR. EVANS: Yes.

20                  MR. BRUNO: Yes, Your Honor.

21                  THE COURT: All right. We agree on that. Then --  
22 maybe -- maybe -- we should be able to agree on this.

23                  So Mr. Bruno, in your response to the government's  
24 motion to preclude inquiry, you say -- you say in Document  
25 19-21, on the second page, Counsel must be allowed to inquire

1 into Ford's participation in the program to ensure he  
2 receives a fair trial. And Mr. Schrader says in his reply,  
3 the government has provided the defense certain information  
4 relevant to Ford's participation in the trial.

5                   What do you -- in regards to Ford's participation  
6 in the program --

7                   MR. BRUNO: That's actually Mr. --

8                   THE COURT: What do you --

9                   MR. BRUNO: That's Mr. Evans's issue, Your Honor.

10                  THE COURT: Okay.

11                  MR. EVANS: So, Your Honor, the specific issues --  
12 and we were provided the notice -- an initial notice of  
13 potential *Giglio* information from the government. The issues  
14 that I think would be material to an effective  
15 cross-examination, to protect that constitutional right of  
16 Mr. Hardison, goes to any benefits that Mr. Ford may have or  
17 did receive as part of his participation in the program has  
18 nothing to do with the location, but the fact that he  
19 received protection, the fact that he may have received  
20 monetary benefits -- I referenced that part of the statute in  
21 the response, that allows for the Attorney General to provide  
22 those things. We had a face-to-face meeting on September  
23 29th, before the pretrial conference, where we discussed this  
24 issue. And at the time I was initially drafting the  
25 response, I was not in -- I had not been provided any of that

1 additional information.

2 Mr. Schrader then -- I think -- the evening I was  
3 drafting the response, emailed me and said that there was  
4 some information at the U.S. Attorney's office that would  
5 be -- and he can correct me -- but I'm picking it up this  
6 morning. That he said all of the monies expended by the  
7 Attorney General related to Mr. Ford's participation in the  
8 program.

9 THE COURT: Right. And Mr. Schrader said in  
10 Docket 931, The government has provided information about  
11 Ford's participation, including information about the  
12 circumstances of Ford's termination from the program, and  
13 information about expenses incurred by the U.S. Marshal,  
14 which may constitute potential impeachment evidence.

15 So you have that?

16 MR. EVANS: Yes, Your Honor.

17 THE COURT: You're going to get some more today?

18 MR. EVANS: So I had no -- no, Your Honor. So the  
19 information he's referring to -- we had the initial *Giglio*  
20 disclosure from the government, the notice that they  
21 provided. It had all of the reasons why Mr. Ford was --

22 THE COURT: Terminated.

23 MR. EVANS: -- terminated, but it did not have  
24 anything about benefits.

25 THE COURT: Okay.

1                   So Mr. Schrader, is this a misrepresentation: You  
2 provided information about expenses incurred by the U.S.  
3 Marshal service in connection with Ford's participation in  
4 the program? Do you have that? Has that been provided as  
5 represented?

6                   MR. SCHRADER: Yes.

7                   MR. EVANS: That was -- that's the information I'm  
8 supposed to be picking up. It didn't get provided with that  
9 initial notice.

10                  THE COURT: Okay. Well, this reads as if -- this  
11 is in the past tense. So I thought it had been provided.

12                  MR. SCHRADER: And I don't know -- maybe I should  
13 have said made available. Maybe I can explain kind of what  
14 the --

15                  THE COURT: Well, we may have agreement so --

16                  MR. SCHRADER: Okay.

17                  THE COURT: -- mess things up. But you can say.

18                  I'm going to allow them to use that information if  
19 Mr. Ford appears and testifies, information about his  
20 termination from the program, information about expenses  
21 incurred. And I gather you have information about his  
22 participation in the program?

23                  MR. EVANS: Yes, Your Honor.

24                  MR. SCHRADER: Sure. And so -- we received from  
25 the Bureau of Prisons really two documents, hand delivered,

1 actually, to Mr. Collins at the airport. They wouldn't email  
2 them to us. They wanted to provide them to us because of the  
3 sensitive nature, I guess of the information, in person. So  
4 we actually made those available to Mr. Evans and Mr. Bruno  
5 for pickup in the office. But it was a letter detailing the  
6 reasons why Mr. Ford was terminated and then a one-page  
7 document reflecting expenses incurred by the Marshal's  
8 service in connection with his program participation. So  
9 subsistence payments and those sorts of things. And I  
10 understand that is what potentially Mr. Evans wants to  
11 cross-examine Mr. Ford about.

12 MR. EVANS: That's correct.

13 THE COURT: So the only thing I don't know is when  
14 you all say participation in the program, what does that  
15 mean? I don't -- can you put some more meat on the bone?  
16 What does that -- what do you intend for that to cover in  
17 broad scope in his cross?

18 MR. EVANS: So -- so -- in the broad scope, you  
19 know, potentially, the reference would be that he was granted  
20 the benefit of protection potentially from -- from --

21 THE COURT: He was in the program.

22 MR. EVANS: Yes.

23 THE COURT: He got protection. Go ahead.

24 MR. EVANS: And that he received -- you know,  
25 essentially, you know, financial benefits from -- from being

1 in the program, that he -- whatever that subsistence payments  
2 or those enumerated things under the statute where it talks  
3 about housing or, you know, money to kind of get on your  
4 feet, that sort of things.

5 THE COURT: And then his termination.

6 MR. EVANS: And then his termination, yes, Your  
7 Honor.

8 THE COURT: That's it?

9 MR. EVANS: Yes, Your Honor.

10 THE COURT: Okay.

11 MR. SCHRADER: I mean, from the government's  
12 perspective -- I mean, the Court knows our position about why  
13 we think that's just cumulative. But really the issue is if  
14 Mr. Evans is going to get into that, then Mr. Ford ought to  
15 be able to say -- we ought to be able to redirect about why  
16 he's in the program in the first place. That's totally fair  
17 game.

18 THE COURT: You all are the lawyers. I mean,  
19 we'll -- I think everybody knows that. So the government's  
20 motion -- what is your motion? I can't find it on the docket  
21 sheet. Where is your motion to preclude inquiry as to  
22 witness location?

23 MR. SCHRADER: It is filed under seal. So it may  
24 be a sealed filing. It is a sealed filing, I guess I should  
25 say.

1                   THE COURT: I have your reply.

2                   MR. SCHRADER: Does the reply reference the docket  
3 number?

4                   THE COURT: No. That's what I was hoping. And  
5 neither does the response. I think --

6                   Kelly, look at Document 1920 -- no. Look at  
7 Document 1912. What's 1912?

8                   COURT DEPUTY: That's it.

9                   THE COURT: Okay. So docket -- okay. Motion to  
10 preclude inquiry as to witness location and participation in  
11 the federal witness security program, Document 1912, having  
12 considered the motion and the response and the applies, it  
13 will be granted in part and denied in part. Specifically,  
14 the defendant's will be allowed to -- if it chooses as part  
15 of its strategy -- cross-examine Mr. DeZorick Ford on his  
16 participation in the program, as represented by Mr. Evans,  
17 his termination from the program, and benefits received  
18 through his participation in the program.

19                   Okay. So we'll do an order on that for the  
20 reasons stated in court.

21                   And then that takes us to the one that we're not  
22 going to agree on -- at least the parties don't agree yet.  
23 And that's the new motion from the government, Docket 1912,  
24 the government's motion in limine to admit certain statements  
25 which is eerily similar to the earlier motion in limine to

1 admit the statements of Joshua Henry. So, I've already  
2 anticipated this motion in my prior order. So the defense,  
3 you've got until tomorrow to file your response.

4 MR. EVANS: Yes, Your Honor.

5 THE COURT: And I'm going to ask Mr. Schrader  
6 tomorrow, the government tomorrow, to give me a supplemental  
7 brief. I'm going to need more than one sentence on the last  
8 page of your motion referencing the existence of Rule 404(b).  
9 I think that has impact here. And then I would like to set  
10 an evidentiary hearing on the motion for Tuesday, October the  
11 12th, at 1:30. I assume we'll have at least two witnesses,  
12 witness number 5, and witness number 6. What are their  
13 names?

14 MR. COLLINS: Good morning, Your Honor.

15 THE COURT: Good morning.

16 MR. COLLINS: Gerald Collins for the government.  
17 Your Honor, one of the concerns that the government had in  
18 producing names for witnesses --

19 THE COURT: Well, you've already told me the name  
20 of number 6. I just don't remember it.

21 MR. COLLINS: I understand, Your Honor.

22 THE COURT: What is the name of number 6?

23 MR. COLLINS: Your Honor, can I just explain the  
24 concern, Your Honor?

25 THE COURT: Sure.

1                   MR. COLLINS: Currently, Your Honor, we're under a  
2 protective order where there should be no information that is  
3 physically given to the defendant. Based on the Court's  
4 order from yesterday there will be a transcript of this  
5 proceeding that will be presented to the defendant.

6                   THE COURT: Well, he was here when you gave me the  
7 name of number 6 last week, or this week.

8                   MR. COLLINS: Well, I'm just going to ask does the  
9 Court anticipate that there will be some kind of, I don't  
10 know, redaction of the name in any transcript that goes back  
11 to the defendant, so the defendant won't have these documents  
12 inside the facility where he's at? These documents will be  
13 passed around to other individuals. That's our concern, Your  
14 Honor.

15                  THE COURT: Okay.

16                  MR. EVANS: Your Honor, we would have no issue in  
17 just -- I mean -- and one thing I'll say, we have the Jencks  
18 material. So we have the witnesses' identities and the  
19 witnesses' statements.

20                  THE COURT: Everybody does but the Court, and I'm  
21 just trying to get ready for the hearing.

22                  MR. EVANS: No, I understand. And so I'm  
23 always kind of thrown off by the -- the -- the continued  
24 resistance to providing the names at this juncture in the --  
25 in the proceedings. That being said, if there's a concern

1 about a transcript from being left from today with  
2 Mr. Hardison, we can agree that we'll show it to him, let him  
3 read it, but we won't leave it with him in the jail.

4 MR. COLLINS: Your Honor, as long as that's the  
5 agreement, that's fine with the government.

6 THE COURT: All right. Well, representation by an  
7 officer of the Court to the Court is actually better than an  
8 agreement.

9 MR. COLLINS: Thank you, Your Honor.

10 THE COURT: So what's witness number 6's name?

11 MR. COLLINS: Your Honor, that one witness is  
12 Valerie Rives.

13 THE COURT: Spell the last name.

14 MR. COLLINS: R-i-v-e-s.

15 THE COURT: You need a microphone.

16 MR. COLLINS: It's on, Your Honor.

17 THE COURT: Okay.

18 MR. COLLINS: I'm sorry. I turned it off, Your  
19 Honor.

20 THE COURT: And then number 5?

21 MR. COLLINS: The Court's brief indulgence, Your  
22 Honor.

23 THE COURT: Sure.

24 MR. COLLINS: Let me give you the correct name of  
25 the correct witness identification. 5, Your Honor, is --

1       5 -- I'm sorry -- is Autumn Pasquale.

2           THE COURT: Spell the last name.

3           MR. COLLINS: P-a-s-q-u-a-l-e.

4           THE COURT: Okay.

5           MR. COLLINS: And Ms. Rives is number 6, Your  
6 Honor.

7           THE COURT: Do you anticipate any other witnesses  
8 than those two?

9           MR. COLLINS: Not as relates to that issue, Your  
10 Honor.

11          THE COURT: So I've got to have an evidentiary  
12 hearing because I'm not going to adjudicate his Sixth  
13 Amendment rights by a vague proffer. I think that would be  
14 error. And I know it's not -- it's -- it's not the way the  
15 Court's going to make this evidentiary finding.

16          MR. COLLINS: Your Honor, could the government  
17 suggest some additional things, Your Honor?

18          THE COURT: Sure.

19          MR. COLLINS: Your Honor, we have turned over  
20 witness statements of all the witnesses to the defense.

21          THE COURT: I can't hear you.

22          MR. COLLINS: It's on, Your Honor.

23          THE COURT: I want to hear you well.

24          MR. COLLINS: Your Honor, we had -- Your Honor, we  
25 have turned over the statements to the defendant -- or to the

1 defense team. Some of those statements that we have turned  
2 over are in -- are in reports, but I think, as we explained  
3 during the last hearing, there was some witnesses that we  
4 hadn't talked to directly. These two witnesses in particular  
5 we had not. So we put them both in the grand jury. There  
6 are substantial grand jury statements that both of these  
7 individuals have made that have addressed not only these  
8 issues but other issues related to the case. I think the  
9 government would also be willing to supplement any filing  
10 that we have already made, Your Honor, and attach these grand  
11 jury transcripts, if it would help the Court in making a  
12 decision.

13 One of the concerns, as I expressed last time,  
14 Your Honor, is, of course, these are civilian witnesses who  
15 are very reticent about appearing in court. The government  
16 has been struggling to make sure that they appear for the --  
17 you know, the times and dates that we've set, not only to  
18 meet with them, but for future court dates. And so there is  
19 concern about getting these witnesses here, getting them here  
20 multiple times.

21 The other alternative that I would suggest, Your  
22 Honor, is if it's possible, these people have subpoenas to  
23 show up at trial, when they show up at trial, if we could  
24 have a mini hearing outside of the presence of the jury where  
25 they could present this information before --

1                   THE COURT: No. We're -- y'all and me and the  
2 jury's going to have way too much work to do. Not on any  
3 issue I can resolve before trial. I mean, certainly you all  
4 knew all that when you filed your first motion on Joshua  
5 Henry and now the second motion. So I do want to go ahead  
6 and proceed with the hearing as planned.

7                   MR. COLLINS: Thank you, Your Honor.

8                   THE COURT: Now, in terms of supplemental, I've  
9 already told you I need more argument from -- from both of  
10 you, on 404(b), because I do think that's -- that's something  
11 I want to be sure and careful and thoughtful about. And your  
12 one-sentence on the last page of the brief is not going to do  
13 it.

14                  Further, going back to my notes -- I'm -- still  
15 have question -- and you can -- you're already going to file  
16 a supplement on 404(b). You can certainly file and add to  
17 that supplement other things that would be helpful to the  
18 Court. And especially, if it's information that's going to  
19 come out on Tuesday, so I can read it ahead of time. But  
20 also, I -- I still have issues with the timing of this. You  
21 know, I took under advisement your motion to late file the  
22 motion in limine. It was way past the deadline. We talked a  
23 little bit about the good cause, but it wasn't clear, and I  
24 reserved that. So -- yeah. If you want to file something,  
25 I'm going to be interested in why this is coming up now at

1 this point, and is going to be part of my analysis. But the  
2 bottom line is, I just think it's -- this is nothing more  
3 than a back door way to deal with your motion to withdraw --  
4 I mean, your motion to admit Joshua Henry. So I'm going to  
5 consider all that. I'm not going to enter an order  
6 withdrawing your motion. I think that was done on the  
7 record. But all of this is one big pot of gumbo. So I'm  
8 going to consider it.

9 MR. COLLINS: Okay. Thank you, Your Honor.

10 Just for clarification, though, I was looking at  
11 Docket Entry 1929, which is our newest motion. I don't see  
12 the specific reference to the 404(b) language.

13 THE COURT: Look to the last page. The last page,  
14 page 5, you give me a very short sentence, five -- the sixth  
15 line down from the top, quote, As a result, their probative  
16 value outweighs any perceived prejudice to the defendant, end  
17 quote. That -- that would be all you suggest on 404(b).

18 MR. COLLINS: Okay. Thank you, Your Honor.

19 THE COURT: I need a lot more.

20 MR. COLLINS: We'll file something additional,  
21 Your Honor.

22 THE COURT: And I mean, you acknowledged, also,  
23 quickly, on the last page, the Sixth Amendment right, which  
24 is certainly here. So the way I -- my initial read of  
25 this -- of course, I haven't heard from the defendant is --

1 you may be right, but I think 404(b) has to be put into the  
2 balance, as well as his Sixth Amendment rights.

3 MR. COLLINS: Okay. Thank you, Your Honor.

4 THE COURT: All right. You're double teaming.

5 MR. SCHRADER: I just have some follow-up  
6 questions. I want to make sure I understand the Court.

7 I mean, what we're trying to accomplish here,  
8 really at the end of the day, is introduce the defendant's  
9 statements. Right? About "a bullet to the dome," about  
10 "stretcher to the ICU."

11 There is a way to proceed at trial in this case  
12 where we don't elicit any statements from Josh Henry. We  
13 say -- we ask a witness, Were you present for a conversation  
14 between Mr. Henry and the defendant? Did the defendant say  
15 anything to Mr. Henry? Yes. He said, You're going to get a  
16 bullet to the dome, or You're going to get carried to the  
17 stretcher -- the ICU on a stretcher.

18 THE COURT: And who is going to testify to that?

19 MR. SCHRADER: There are two witnesses, the two  
20 witnesses who we just mentioned.

21 THE COURT: 5 and 6?

22 MR. SCHRADER: Correct. Those are 801(d)(2)(A)  
23 statements of the defendant that ought to be admitted at  
24 trial as party admissions -- admissions of a party opponent.  
25 So we could proceed in that way.

1                   THE COURT: But want to provide context from these  
2 two witnesses that speak -- speak for Mr. Henry who is no  
3 longer with us.

4                   MR. SCHRADER: We don't have to. And if our  
5 choice is between an evidentiary hearing where we call those  
6 folks, or we simply frame it the way that I just described,  
7 we may be inclined to proceed in that way. But, frankly, I  
8 think the defense may want a little bit of context, too, for  
9 those statements. So what we're trying to accomplish now in  
10 this new motion is to make clear we're not trying to  
11 introduce his statements for their truth, Mr. Henry's  
12 statements, but just to put the admissible statements of the  
13 defendant in context.

14                  THE COURT: Yeah, but you go on in the motion to  
15 say and to provide context about what Mr. Henry said.

16                  MR. SCHRADER: Right, but -- exactly. But what  
17 I'm -- provide context for what the defendant said.

18                  THE COURT: Context -- words of Mr. Henry to  
19 provide context for what the defendant said.

20                  MR. SCHRADER: That's right. But what I'm saying  
21 is we are probably willing to proceed without eliciting those  
22 statements at all if the alternative is we have to have a  
23 hearing next week where we call these witnesses in advance of  
24 trial. So I don't know, you know, if -- I don't know if the  
25 Court can provide any guidance on that. But that's something

1 that -- that's the only reason we're trying to get those  
2 statements in, Mr. Henry's statements.

3 THE COURT: And all I have is your motion. I have  
4 Docket 1929 that states what I just said it states, that you  
5 acknowledge it states. And what's before me now is more than  
6 the defendant's alleged admissions. And that's what I want  
7 to have a hearing on. And it sounds like -- yeah.

8 MR. SCHRADER: And -- because --

9 THE COURT: On this motion I want to have a  
10 hearing.

11 MR. SCHRADER: With respect to -- okay. I  
12 guess -- the Court is not ruling that if the government  
13 withdraws, let's say, the latest motion and agrees we're not  
14 going to elicit any words that Mr. Henry said, at trial, that  
15 we're not going to be precluded from eliciting admissible  
16 statements of the defendant at trial.

17 THE COURT: No. I'm not ruling on that. But I do  
18 want to go ahead and have the hearing. I'm not going to --  
19 we're going to have a hearing whether you do it or not,  
20 because this is obviously an issue that's important to the  
21 government. This is same -- this is the second time you've  
22 essentially filed the same issue. And I do not want to get  
23 in the middle of this trial and then the government change  
24 its mind, and say, oh, now we want to put it in context from  
25 the deceased, Mr. Henry. So let's just go ahead and resolve

1 this. And then is if you all decide not to use it, then  
2 don't use it, but if you decide you're going to use it, then  
3 I've ruled on it. Because we've just got so much work to do,  
4 I can get this one -- give you some guidance now. So even if  
5 you don't want the context, I still want to have a hearing so  
6 I'll be ready for this if the government changes its mind.

7 MR. SCHRADER: There may be one issue with one  
8 potential witness. That witness is in state custody  
9 currently.

10 THE COURT: All right. Well, send me an order,  
11 I'll get. . .

12 MR. COLLINS: The Court's brief indulgence, Your  
13 Honor.

14 THE COURT: Sure.

15 MR. COLLINS: Your Honor, as you can see by the  
16 motion that we filed, the statements that we are trying to  
17 elicit happened in a setting where both witness 5 and witness  
18 6 were present. And so --

19 THE COURT: Actually, I didn't get that from your  
20 filing, but, see, that's why we need to have a hearing.

21 MR. COLLINS: What the government would request,  
22 Your Honor, is that -- would the Court be satisfied with us  
23 producing one witness for the purpose of the hearing based on  
24 some of the difficulties that we've already expressed here on  
25 the record as it relates to the -- trying to get these

1       witnesses here to make sure they participate? Both witnesses  
2       were present for the one conversation and understand what was  
3       said in that one conversation. And so the government --

4                 THE COURT: That doesn't mean -- that doesn't mean  
5       both of them heard the same thing.

6                 MR. COLLINS: Well, Your Honor --

7                 THE COURT: People hear different things all the  
8       time from the same words from the same mouth of the same  
9       person. You know, y'all represent the government. I don't.  
10      All I know is you've given me a motion that requires an  
11     evidentiary hearing. And I'm not going to make these  
12     important decisions in a vacuum. I just can't.

13                 MR. COLLINS: All right, Your Honor.

14                 THE COURT: And we need to do this before we get  
15     started on the 18th.

16                 MR. COLLINS: Okay. We'll --

17                 THE COURT: Now, are you going to have more than  
18     two witnesses -- because you're still not my only case.

19                 MR. COLLINS: Okay.

20                 THE COURT: Are you going to have more than two?

21                 MR. COLLINS: No, it wouldn't be more than two,  
22     Your Honor. No. Not at all.

23                 THE COURT: All right.

24                 MR. COLLINS: Thank you.

25                 THE COURT: All right.

1           All right. So we'll enter an order setting that.  
2           And further, I want to go ahead and get on your  
3 calendars for 9:00 on Friday, October the 18th is -- I'm  
4 sorry -- October the 15th. That would be the Friday before  
5 trial starts. Because my gut tells me there will be other  
6 stuff for us to talk about. And I don't want to get here on  
7 Monday, the 18th, and bring in the 93 people that we're going  
8 to select the jury. That's what I want to do. So let's go  
9 ahead and plan on an hour or so. And -- to discuss any  
10 outstanding matters. And if you -- I really would appreciate  
11 if by -- you know, by about 3:00 on Thursday, if you know  
12 there's stuff we need to talk about, go ahead and enlighten  
13 me so I can be ready. Obviously that will also give me a  
14 chance to update you if COVID has taken out any of the 93  
15 that are ready. I suspect it will. And then I can give you  
16 the final logistics of what we're going to do on Monday,  
17 whose courtroom we'll be in to do the 93 people. Also, I'll  
18 finally have your witness lists. So I'm sure I'll have some  
19 questions about that.

20           So any other suggested precautions that the  
21 government wants to offer the Court? That deals with some of  
22 the concerns you've raised. I'm not -- obviously -- I am  
23 considering that. So that is the reason I ask. Is there any  
24 other precautions you want?

25           MR. SCHRADER: Your Honor, are you referring to

1 just the trial precautions?

2 THE COURT: No. For our hearing on Tuesday.

3 Do you want to think about it?

4 MR. SCHRADER: I do.

5 THE COURT: Do you want to file something for me  
6 tomorrow at noon?

7 MR. SCHRADER: That will be fine, Your Honor.

8 THE COURT: Okay. Anything -- how are we on  
9 Mr. Hardison's glasses?

10 MR. EVANS: Your Honor, I've got a prescription in  
11 my hand.

12 THE COURT: Glory.

13 MR. EVANS: So -- I got it first thing this  
14 morning. So -- and I have done -- I've been diligently  
15 researching how quickly can you get glasses made these days.  
16 And obviously this is the one area where getting the lenses  
17 done has went backwards not forwards. You know, you used to  
18 be able to drop your glasses off at LensCrafters and come  
19 back in about an hour and pick them up.

20 THE COURT: Right.

21 MR. EVANS: They don't do that any more.

22 THE COURT: Why not?

23 MR. EVANS: They don't install the labs,  
24 apparently, according to the person I spoke with, inside the  
25 stores anymore. I guess it wasn't cost effective. But it

1 looks like I've got two options for getting them where you --  
2 where we will mail the frames, which I have, the  
3 prescription, mail them off, and then get them back in 24 to  
4 48 hours. That's what I'm being told.

5 THE COURT: There's a family optician -- a family  
6 of opticians that have made a business out of it. And I  
7 think they do -- they -- they do everything right here in  
8 Nashville. Do you know who I'm talking about?

9 MR. EVANS: No. No. No. I would love -- if I  
10 can get the information, I will call those people and try  
11 that. Absolutely.

12 THE COURT: They were -- it's Milam's. They're a  
13 family. My optician is part of that family. And they --  
14 they create them right here in Nashville somewhere. So you  
15 might reach out to them.

16 MR. EVANS: I'll do that this afternoon.

17 THE COURT: My optician is Mary Francis Kerr,  
18 K-e-r-r, over at, I guess St. Thomas, Midtown. But she moved  
19 someplace else. And she's part of the family. If it  
20 expedites matters, you can tell her I suggested y'all call  
21 her.

22 MR. EVANS: Yes, Your Honor.

23 THE COURT: She may say, okay, it makes no  
24 difference, but she might be able to help.

25 Any other things from the defense?

1                   MR. EVANS: Yes, Your Honor. One other matter.  
2 We have -- we anticipate utilizing a paralegal during the  
3 trial. We wanted to kind of update the Court. It's Jill  
4 Bruno who Your Honor --

5                   THE COURT: I've approved that.

6                   MR. EVANS: Thank you.

7                   THE COURT: Okay. Thanks.

8                   (Court adjourned.)

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## 1 | REPORTER'S CERTIFICATE

I, Lise S. Matthews, Official Court Reporter for  
the United States District Court for the Middle District of  
Tennessee, with offices at Nashville, do hereby certify:

6 That I reported on the Stenograph machine the  
7 proceedings held in open court on October 7, 2021, in the  
8 matter of UNITED STATES OF AMERICA v. BRANDON DURELL  
9 HARDISON, Case No. 3:17-cr-00124-3; that said proceedings in  
10 connection with the hearing were reduced to typewritten form  
11 by me; and that the foregoing transcript (pages 1 through 25)  
12 is a true and accurate record of said proceedings.

13 This the 22nd day of October, 2021.

14

/s/ Lise S. Matthews  
LISE S. MATTHEWS, RMR, CRR, CRC  
Official Court Reporter